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TOWN OF ACTON

Building Department

INTERDEPARTMENTAL COMMUNICATION

To: Board of Selectmen **Date:** December 30, 2004
From: Garry A. Rhodes, Building Commissioner *GAR*
Subject: Site Plan Special Permit/Special Permit #09/24/04-399 (Hunter)
Faulkner Mill Realty, LLC, 4 High Street

The Zoning Bylaw requires one of the units be owner occupied. I have constantly held that only one unit must be owner occupied, not one unit in each building. The applicant for the project is Faulkner Mill Realty LLC. I would recommend, if the Board grants this request, a condition be added requiring the applicant to identify a person(s) who has beneficial interest to insure one of the units is owner occupied.

The applicant met with the Historic District Commission. Except as noted in their comments, (attached) the HDC appears satisfied.

Zoning Bylaw § 10.6 requires an exterior lighting plan be provided. The Board still has not received one. Applicants appear to be having a difficult time getting this plan done. I would still recommend the hearing not be closed until the plan is provided.

December 29, 2004

Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

To the Board:

At its meeting on December 20, the Historic District Commission reviewed the recently revised site plan for the property at 4 High Street. Owner Mike Jeanson, architect Manny Rempelakis, and engineer George Dimakarakos were in attendance, as were one abutter and another member of the public.

It was the consensus of the commission that the recent changes to the building elevations have substantially improved their appearance and have brought both structures into closer harmony with the surrounding historic properties.

For the larger building (**Building B**), we note that it is the architect's intention to closely match the brick of the surviving portion of the Faulkner Mill just to the west, and that there are now cast-stone lintels and sills shown for the windows. Both of these changes should enhance the building's appearance, and the imitation quoins should be a relatively harmonious element if they are well proportioned. As the commission previously suggested, the vinyl shutters have been eliminated and the number of window panes reduced to 6 over 6. Upon information provided by Mr. Dimakarakos, it looks like the Zoning Bylaw will not allow the tower to be any higher, so the HDC has withdrawn our former suggestion that it be raised. We have the following minor recommendations for this building: that the lintels and sills should not be a bright white (possibly a grayish tone), and that the door surround should be a dark color, if available.

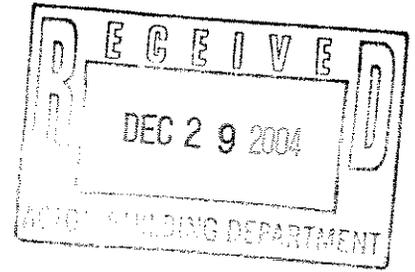
The design of **Building A** has been improved by the additional trim elements that are now shown on the elevations, and by the change to the low-pitched gabled roof. We recommend that, depending on what is available from suppliers, the wood doors be a four-panel design, possibly with glass in the top two panels, and that the window sash be dark in color.

The HDC would be happy to consult informally on design issues with the Selectmen or the developers if and when this project moves forward.

Sincerely,

Anne Forbes,
Historic District Commission
cc: George Dimakarakos
Garry Rhodes, Acton Building Commissioner

Richard J. Fallon
27 Faulkner Hill Road
Acton, MA 01720



December 29, 2004

BY HAND
Board of Selectmen
Acton Town Hall

Re: 4 High Street Special Permit: Proposed 30 Apartments

Dear Board of Selectmen:

This letter is a follow-up to my previous letter, which argued that the Special Permit should not be granted for this project because it would violate the Zoning Bylaw, that is, the requirement of Note 2 for the Table of Principal Uses of the Zoning Bylaw could not be met, namely, that: "At least one of the dwelling units shall be occupied by the owner of the property."

I had previously thought that the owner of the property was "Faulkner Mills Realty, LLC," because that name is mentioned in the documents. I understand that "LLC" stands for "limited liability company" under Massachusetts General Laws Chapter 156C (M.G.L. c. 156C).

Under M.G.L. c. 156C, § 12(9)(b), in relevant part: "A limited liability company formed under this chapter shall be a separate legal entity...."

If "Faulkner Mills Realty, LLC" is the owner of the property, the requirement that the owner live at the property cannot be met: "Faulkner Mills Realty, LLC" does not "live" anywhere.

However, the assessors' office has as owner of the property a "William F. Waite, Trustee." I do not know who are the beneficiaries of the trust of which Mr. Waite is trustee.

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Acton Board of Selectmen, 12/29/04

It is unclear to me whether the Selectmen even know who the legal or beneficial owners of the property are, and who is the proposed "owner" supposed to live at the project. At the previous hearing no one suggested that a trust was the property owner. I suggest that no decision or hearing be held on this matter until you receive in writing that information. In particular, if a trust is the owner, you should receive an updated Schedule of Beneficiaries. I do not think it would be right for you to consider a request for special permit without knowing the legal and beneficial owner of the property, and I would like to know also.

You may wish to consult Town Counsel on this point prior to the next meeting on the proposed Special Permit for this project. I understand that the next meeting is scheduled for January 3, 2004.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Richard J. Fallon".

Richard J. Fallon